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WHITE HOUSE WATCH

DEBATEGATE

IT seems virtually certain that a crime was committed when Carter campaign briefing documents were transferred to the Reagan campaign prior to the 1980 Presidential debate. What's not at all certain is whether the crime constitutes grand theft or petit larceny. Just how seriously "Debategate" should be taken depends on answers not yet available. Did these documents include vital strategy memos as well as routine position papers? Were they sent to the Reaganites unsolicited, or were they procured? Was the transfer part of some continuing espionage operation? What use did the Reagan campaign actually make of the documents? Were they important to the outcome of the debate and the election? On most of these points, there is massive disagreement between Carterite suspicions and Reaganite claims. There is also considerable disagreement on details among some Reaganites, not to mention a crippling case of memory failure among some of the President's sharpest aides.

Debategate cries out for official investigation by authorities who can issue subpoenas, put witnesses under oath, and focus people's recollections with the threat of perjury indictments. Such an inquiry may be conducted by a House subcommittee headed by Representative Don Albosta of Michigan, but one would guess that the Reagan Administration would want the Justice Department to investigate (not just "monitor") the case, too, with a view toward appointing a special prosecutor (or "independent counsel," as it's now more neutrally called). In 1974 President Ford took the dramatic step of volunteering to testify before a House subcommittee to deny allegations that his pardon of Richard Nixon was part of a "deal." In 1979 the Carter Administration appointed a special prosecutor to investigate charges (later shown to be unfounded) that White House Chief of Staff Hamilton Jordan had used cocaine. If Reagan's aides are as innocent as they claim to be, they would offer to—in fact, insist upon—pursuing similar procedures, wouldn't they?

President Reagan, campaign aides, and Administration officials involved in the affair—not to mention some Democrats, including House Speaker Tip O'Neill—all downplay the importance that the documents could have had on the outcome of the debate and the election. It's a fair surmise, given the size of Reagan's electoral vote victory, that Reagan indeed would have won the election even if those who prepared him for the debate had not had access to Carter briefing papers. Also, Reagan is a skilled enough stage performer that he probably would have come off well in the debate.

But that has little bearing on the possible actions or motivations of those who transferred, received, and used the documents. At the time of the debate, public polls showed the Presidential race tightening nationally and in key states. Most commentators called the race too close to call. Reagan's pollster, Richard Wirthlin, was showing his candidate in better shape than the public polls did—Reagan ahead 43 to 37—but even he reported that 11 percent of the electorate was still undecided. Fearing that an "October surprise" (such as a hostage release in Iran) would dramatically help Carter, it was the Reagan campaign which decided to debate. Wirthlin told Elizabeth Drew that "given the political environment, the election is going to hang or fall on that debate."

So the stakes were high and the temptation was great to do anything possible to ensure a victory. As columnist Mark Shields has pointed out, there was a special motivation for success on the part of those in charge of Reagan debate strategy and preparation. James A. Baker III, David Gergen, and David Stockman were all Reagan outsiders—former associates of George Bush, Gerald Ford, and John Anderson—for whom this was an opportunity to shine. They did their work well and they were well rewarded: Baker is now White House chief of staff, Gergen is communications director, and Stockman is chief of the Office of Management and Budget.

The Carter briefing materials alone did not make Reagan a success in the debate. Reagan's closing argument (written by Gergen) asking voters, "Are you better off than you were four years ago?" was a powerful way to frame the election decision. Yet it seems clear that the briefing documents did provide Reagan with precise advance warning of what lines of attack Carter was likely to take, rendering him more confident and at ease. The Carterites were praying that Reagan, under pressure, would make a major gaffe, but of course he didn't. To the contrary, he had a retort for every Carter thrust. All polls indicate that voters saw Reagan as the debate winner, and the victory presumably made millions of voters secure about voting for Reagan. No one can ever prove that the Carter briefing documents actually altered the course of history, but a thorough investigation could establish how much they were relied on by the debate team.

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Officials of the Carter Administration who are responsible for pushing Debategate into national prominence, notably former Press Secretary Jody Powell and pollster *cum* strategist Patrick Caddell, are convinced that whether or not purloined papers cost the election, nevertheless purloining papers from the White House constitutes a crime. Who did it? Carter aides have suggested to reporters the names of two White House secretaries they suspect might have been the culprits, along with elaborate theories about their motives and methods. Reporters have contacted the women, who denied involvement, and fortunately no one has printed or broadcast their names. But there is ample reason for the women to be interviewed by the F.B.I. and congressional investigators. And White House aides should be interrogated under oath as well. Someone did, after all, take documents from the White House on an unauthorized basis. Someone in the Reagan Administration received the stolen goods, and others have known for some time about the event and kept it secret.

Beyond the question of legality is that of ethics, which President Reagan also repeatedly dodged in his press conference. It's been fairly common practice in campaigns for officials on one side to send student volunteers over to the other to collect publicly available speeches, schedules, and position papers without saying whom they are for. Obtaining internal briefing materials represents a step toward sleaziness, at a minimum. The evidence shows that James Baker, at least, felt guilty about the use of the documents. Laurence I. Barrett, whose book, *Gambling With History*, launched Debategate, records that Baker, "fastidious about propriety . . . looked the other way when [the] dirty trick was perpetrated. He was grateful not to know the mechanics of it," and was "still sensitive" when Barrett questioned him about it months later. One good reason for a thorough probe of Debategate is to ensure that future campaign managers not only will be sensitive and guilty about dirty tricks, but will eschew them. Evidently the ethical inoculations of Watergate have begun to wear off. Debategate could be a booster shot.

As Reagan aides point out, there may have been some ethical lapses in the Carter White House, as well—to wit, the use of government clerks and equipment (in other words, money) to serve campaign purposes. A Debategate fuss might make Presidential staffs more fastidious about proper accounting of political expenses.

Meanwhile, there are significant questions of fact that need to be cleared up by investigation. James Baker said in his letter to Representative Albosta that he remembers receiving a black-bound looseleaf notebook with Carter material inside from William J. Casey, then campaign manager and now C.I.A. director. Casey's letter, brusque and brief, says he recalls nothing of the kind. Stockman recalls getting material in unbound form. At one point, Stockman said the documents were mere position papers, not in question-and-answer format. Frank Hodsoll, another former member of the debate team, remembered that they were in Q and A form. David Gergen at first could remember practically nothing at all about any documents except that they couldn't have been important. Then he unearthed a ream or two of Carter documents, which the White House released, but then Stockman said the material he saw in 1980 might have been more detailed, rather than less. The material released by the White House mostly concerned foreign policy, but Stockman obviously used domestic papers, too. The Carter people, by the way, have repeatedly claimed that they prepared one and only one briefing book for the debate, but obviously that's not entirely true either, in view of the variety of documents that have turned up. There is also a basic difference of opinion about what constitutes a "strategic" document. The Reaganites pretend a 300-page notebook is too detailed to be vital, but they have a President who likes to be briefed briefly; Carter was a detail man.

There is one more reason for a thorough probe: to settle the doubts and unrest affecting the Reagan White House. Inside the White House, there seems to be both fear and hope that Debategate will not "go away." The fear lies among those close to Casey, Baker, Stockman, and Gergen, who do not know how much trouble the case will—or should—cause to their friends. The hope lies with ideological and bureaucratic rivals of the four principals, who seem to enjoy the prospect of their suffering, even their resignation. For example, White House counselor Edwin Meese joked to reporters aboard Air Force One that "Gergen is not a crook," slashing at the flesh of someone Meese obviously feels did him damage in previous White House struggles. White House aides who don't like Casey leaked to Lou Cannon of *The Washington Post* a devastating account of how the C.I.A. director mumbled his way through a lecture on protecting classified information—and proceeded to reveal some to officials not authorized to receive it. The column also revealed jokes making the rounds in the White House, including one that if Casey had received the Carter book, he would have placed it in a blind trust—a reference to Casey's failure to stop playing the stock market even though he has access to sensitive economic intelligence.

Other White House aides report encountering "dead silence in the corridors" about Debategate, not even mystified whispers. Stockman, Gergen, and Baker are said to have spent considerable time preparing their letters for Albosta, some of it in collaboration with White House counsel Fred Fielding and his deputy, Richard Hauser. None of the three has hired a personal lawyer.

ONE ADMINISTRATION aide who is close to the White House actors and had a key role in the campaign said it's his impression that the presence of the briefing book was purposely kept secret by the debate coordinating team. "It never came up at the 8 a.m. senior staff meeting in the campaign, which tended to last half of every morning. Everything got discussed at those meetings, which says to me not that this was too unimportant to mention, but that people were keeping it secret. Getting

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a briefing book from the other campaign is not trivial. It was naive and stupid to think that it could be kept secret. Those involved should have understood the danger and sent the book back. How could they not suspect that this was some kind of setup by the Democrats?"

This official thinks that his colleagues' pleas of failed memory "is what a good lawyer suggests as a defense to a guilty client." He recommends that "everyone come clean now, before the press and the Democrats have a field day and it hurts the President." If necessary, he says, they should resign. "All of us are expendable," he said.

Other White House aides say such talk is preposterous because no illegality or unethical behavior has been demonstrated. But this argument requires a resort to high legal technicality and utter belief in the story told by Reagan officials. The argument goes that the document dealt with policy positions, not high strategy, and was worked on by a hundred or more Carter Administration employees, including secretaries. Even reporters could have obtained it under the Freedom of Information Act, according to one high-ranking official, so its transfer would not be a crime unless it was procured. Since there is no evidence of that, this official said, there is no cause for the Justice Department to open a full-scale investigation.

Why not demand an investigation to clear matters up? This official said, "That gives credibility to something, which we're reluctant to do, but maybe we'll do because we are forced to do it." But if that is the tack this Administration takes, doing only what it is forced to do, that will be the undoing of its credibility.

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